

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-13 are pending in the present application. Claims 1 and 8 are amended by the present amendment.

In the outstanding Office Action, Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, 5, 6, 8, 9, 12, and 13 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Sudo (U.S. Patent Application Publication 2003/0031121); Claims 3 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sudo in view of Blasco Caret et al. (U.S. Patent Application Publication No. 2004/0037214, herein "Blasco Caret"); Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sudo in view of Moulsley (U.S. Patent Application Publication No. 2002/0172160); and Claims 4 and 11 were indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter. However, Applicants believe that the pending claims patentably distinguish over the applied art. Accordingly, Claims 4 and 11 are maintained in dependent form.

Regarding the rejection of Claims 1-12 under 35 U.S.C. § 112, second paragraph, independent Claims 1 and 8 have been amended as suggested by the outstanding Office Action and to correct minor informalities. No new matter has been added. Accordingly, it is respectfully requested this rejection be withdrawn.

The outstanding rejections on the merits of the claims are respectfully traversed for the following reasons. Sudo is the main reference used in all of the rejections of the claims. Sudo is a PCT application filed in Japanese and published in Japanese. According to MPEP § 706.02(f)(1), Chart II, Sudo does not have a 102(e) date and can be prior art only under

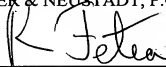
102(a) or (b). However, the earliest date of Sudo is the publication date of February 13, 2003, which is after the filing date of the priority document of this application, November 1, 2002. Accordingly, an English translation of the priority document with a statement indicating the accuracy of the English translation is filed herewith to perfect priority.

Thus, it is respectfully submitted that Sudo is not prior art and all the rejections based on Sudo or a combination of Sudo are moot.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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